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FIRM and AFFILIATE OFFICES

SUSAN V. METCALFE  
DIRECT DIAL: +1 215 979 1116  
PERSONAL FAX: +1 215 689 1927  
E-MAIL: svmetcalfe@duanemorris.com

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April 23, 2014

VIA ECF

Hon. A. Kathleen Tomlinson, U.S.M.J.  
United States District Court – EDNY  
100 Federal Plaza  
Central Islip, NY 11722

**Re: 7-Eleven, Inc. v. Suneil Minhas, Case No.: 2:11-cv-05455-JS-AKT**

Dear Judge Tomlinson:

We represent the plaintiff, 7-Eleven, Inc., in the above-referenced matter. Due to a scheduling conflict that just arose yesterday afternoon, we write to request an adjournment of the pretrial conference that is currently set for April 25, 2014 at 11:30 a.m. In particular, the undersigned is lead trial counsel for the plaintiff in *7-Eleven v. Thomas Victor, et al.*, Case No. 3:14-cv-0214-MAS-DEA, pending in the United States district Court, District of New Jersey. On April 22, 2014, Judge Michael A. Shipp scheduled a hearing on 7-Eleven's motion for a preliminary injunction to commence at 10:00 a.m. on Friday, April 25, 2014.

I have conferred with defendant's counsel, Michael Einbinder, who indicated he has no objection to the adjournment. Mr. Einbinder and I are both generally available on May 1, 14, and 16.

If possible, and if convenient for the Court, Mr. Einbinder and I would like to coordinate the scheduling of the pretrial conference in the instant case with potential oral argument of a motion in another matter, *7-Eleven, Inc. v. Tariq Khan*, No. 2:13-cv-03548, which is pending in the Eastern District of New York before Judge Arthur D. Spatt. Defendants in such case have requested oral argument of the motion in *Khan*; however, Judge Spatt has not yet granted such request or set a date for argument. Mr. Einbinder is writing to Judge Spatt today regarding his

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Honor's willingness and availability to hear oral argument. Counsel have advised Judge Spatt of their availability on May 1, 14, and 16. We will inform your Honor as soon as we receive additional information.

Each of the parties has made one prior request for adjournment of this pretrial conference, which was originally scheduled on April 2, 2014.

Respectfully,

/s/ Susan V. Metcalfe

Susan V. Metcalfe

SVM:roh

cc: Michael Einbinder, Esquire (via ECF)